

3. Pursuant to the Scheduling Order issued by this Honorable Court, this matter “will not be set for trial until it is clear to the Court that the discovery process and the consideration of any dispositive motions have progressed sufficiently to allow a reasonable assessment by the parties and the Court of the time needed for trial and the time the parties need to complete preparation for trial.”²

4. The following deadlines are in the near future: (i) Deadline to file any motions for leave to amend pleadings no later than August 31, 2013; (ii) Deadline to file any pretrial and dispositive motions, except for limine motions is September 2, 2013; and (iii) Deadline to conduct discovery is September 30, 2013.

5. K&M files this, its’ Motion to Withdraw pursuant to Local Rule 83.12. The name, address, and telephone number of Eric D. Garner is as follows:

**Eric D. Garner
232 Georgian Road
Fort Worth, Texas 76134
Tel: 682-438-0601**

6. The undersigned counsel and Plaintiff have spoken at length on at least four (4) separate occasions regarding the filing of this motion. The undersigned counsel and Plaintiff have met in person and held telephone conferences regarding the matters set forth herein. We have also communicated regarding the matters set forth herein through written correspondence. Despite these discussions and exchanges in correspondence, Plaintiff opposes the filing of this motion.

7. This withdrawal is for good cause and will not disrupt the lawsuit.

² Court’s Docket, Document 12 - Initial Scheduling Order, p.5.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Rod B. Khavari of Khavari & Moghadassi, Attorneys at Law ask this Honorable Court to grant his motion to withdraw as counsel of record for Plaintiff, Eric D. Garner.

Respectfully submitted,

**KHAVARI & MOGHADASSI
ATTORNEYS AT LAW, P.C.**

By: /s/ Rod B. Khavari
Rod B. Khavari
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Attorney for Plaintiff

CERTIFICATE OF CONFERENCE

On the 31st day of July 2013, I contacted and conferenced with John Greene, counsel for Defendant. Mr. Greene was unopposed to the filing of this motion and relief sought therein.

/s/ Rod B. Khavari
Rod B. Khavari

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was filed electronically in compliance with Local Rule 5.1 on August 8, 2013, and was thus served on all counsel who have consented to electronic service. All other counsel of record who have not consented to such service, if any, will be served a true and correct copy of the foregoing instrument in compliance with Rule 5 of the Federal Rules of Civil Procedure on August 8, 2013.

/s/ Rod B. Khavari
Rod B. Khavari